

Remarks

Claims 1, 2, 7, 9, 13-18 and 20-26 have been amended and new claims 27-33 have been added. Review and reconsideration in light of the amendments and comments below are respectfully requested.

Claims 1-12 and 16-26 are rejected as defining obvious subject matter over U.S. Pat. No. 2,486,840 to Harris in view of U.S. Pat. No. D482,162 to Bostroem. Accordingly, claim 1 has been amended to specify that the notebook includes a stack of a plurality of sheets of paper bound together and having an outer perimeter thereof. The stack is specified to have a generally elongate opening located therein and formed through a thickness thereof. The opening is also specified to be sized and shaped to receive a writing instrument therethrough and to be generally spaced away from the outer perimeter. Finally, claim 1 also specifies that when the cover is retained in the closed position, the opening is generally closed to trap a writing instrument that is located in the opening therein.

In contrast, the Harris reference does not disclose an opening that is generally spaced away from the outer perimeter of the stack of sheets. In the embodiment of Figs. 1, 4 and 7 of the Harris reference, the opening significantly intersects both the top and bottom edges of the stack of papers. In the embodiment of Fig. 5, the opening significantly intersects the lower edge of the stack of papers.

The subject matter of claim 1 provides definite advantages in that when a writing instrument is received in the opening (see Fig. 2 of this application) and the notebook is moved to its closed position (see Fig. 3) and retained therein, the writing instrument is trapped in the opening. In contrast, in the system of the Harris reference, the opening remains "open" even when the notebook is moved to its closed position, as can be seen in Fig. 5 of that reference. In this case, without taking any other action, the writing instrument would be free to slide out of the opening adjacent to reference number 26 of Fig. 5 (for example when the notebook is lifted or moved to a vertical position).

Furthermore, it is submitted that it would not have been obvious to modify the notebook of the Harris reference to provide the subject matter of claim 1. In particular, the Harris reference discloses that the writing pad includes an opening 29 in the lower cover 21, and the

writing instrument includes a clip 28 which can fit through the opening 29 to couple the writing instrument to the writing pad (see Fig. 6).

In addition, the Harris reference touts the benefits of an opening which intersects the outer perimeter of the plurality of sheets. For example, at column 1, lines 10-14, the Harris reference indicates that the invention relates to a pencil-carrying memorandum pad having means for detachably holding a pencil in the channel so that the pencil can be *readily removed and replaced to ensure access to the pencil at all times*. At column 1, lines 27-30, it is disclosed that the pencil/notebook is arranged such that the pencil is exposed and can be readily grasped for removal and replacement without opening the book. Similar disclosures are included at column 3, lines 19-25, column 4, lines 2-8, and column 4, lines 50-53 of the Harris reference.

Accordingly, it is submitted that claim 1 is allowable over the Harris reference. Each of claims 24, 25 and 26 have been amended in somewhat similar manners as claim 1 to distinguish over the Harris reference.

New claims 27-32 depend directly or indirectly from either claim 1 or claim 25, and further distinguish over the Harris reference. New independent claim 33 includes limitations somewhat similar to those of claim 1 discussed above, but also includes the writing instrument as a claimed element.

Accordingly, it is submitted that the application is now in a condition for allowance and a formal notice thereof is respectfully solicited.

The Commissioner is hereby authorized to charge any additional fees required, including the fee for an extension of time, or to credit any overpayment to Deposit Account 20-0809. The applicant hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension.

Serial No.: 10/702,222
Attorney Docket No.: 100041-41188
Amendment

Respectfully submitted,



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